

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEPOMED, INC.,

No. C-06-0100 CRB (JCS)

Plaintiff(s),

ORDER RE MOTION TO COMPEL
[Docket Nos. 103/105]

v.

IVAX CORPORATION, ET AL.,

Defendant(s).

The Court has received a joint letter from the parties dated May 23, 2007, which it interprets as a motion to compel (the "Motion") [Docket Nos. 103/105]. Plaintiff submitted a letter brief in opposition on June 5, 2007, and Defendant submitted a reply letter on June 8, 2007.

The Motion concerns a memorandum generated by Plaintiff's patent attorney, Henry Heines, to Dr. John Shell, one of the inventors of the patent in suit (the "Heines Memo"). The question raised by the Motion is whether the attorney-client privilege that adhered in the Heines Memo has been waived. The Court cannot make this determination without reviewing the Heines Memo. Accordingly, Plaintiff is hereby ORDERED to provide, for *in camera* review, a copy of the Heines Memo to the Court no later than Monday, June 18, 2007.

IT IS SO ORDERED.

Dated: June 14, 2007


JOSEPH C. SPERO
United States Magistrate Judge